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September 6, 2002

<u>Via Electronic Filing</u>
Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12<sup>th</sup> St., SW, Room TWB-204
Washington, DC 20554

Re: Application by Qwest Communications International, Inc., for Authorization to Provide In-Region InterLATA Services in the States of Colorado, Idaho, Iowa, Nebraska and North Dakota, Docket No. 02-148.

Application by Qwest Communications International, Inc., for Authorization to Provide In-Region InterLATA Services in the States of Montana, Utah, Washington and Wyoming, Docket No. 02-189.

## Dear Ms. Dortch:

On Wednesday September 4, 2002, David Lawson of Sidley Austin Brown & Wood, and I met via telephone with Monica Desai, Commissioner Martin's Acting Legal Adviser for these proceedings, and Emily Willeford, Commissioner Martin's Special Assistant, to discuss issues related to the aforementioned proceedings. In short, we urged Commissioner Martin to reject the Qwest applications for failure to comply with the requirements of the Section 271 checklist as well as on public interest grounds.

Specifically, we stated that Sections 272 (b) (2) and (5) and 272 (c) (5) require that this Commission find that Qwest has conducted its affiliate transactions and kept its books, records and accounts in the manner prescribed by the Commission. Qwest's incorrect affidavits filed at the outset of the proceedings asserting that its long distance affiliate's books, records and accounts had been kept in accordance with Generally Accepted Accounting Principles have now been proven to be incorrect. In addition, Qwest has now admitted that it cannot satisfy the statutory criteria now, on the date of filing or on September 11, 2002; the statutory deadline for this application. Because the facts of this case demonstrate that the Commission cannot make the

necessary findings pursuant to Sections 272(b)(2) and (5) and 272 (c)(5), the Commission is also compelled to deny Qwest's application on those grounds as well.

The positions expressed by AT&T were consistent with those contained in the Comments and ex parte filings previously made in the aforementioned dockets. One copy of this Notice is being submitted for each of the referenced proceedings in accordance with the Commission's rules.

Sincerely,

Robert W. Zuinny.

cc: Monica Desai

**Emily Willeford**